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19 LEWIS C. NELSON & SONS, INC.

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

22 RLI INSURANCE COMPANY, an Illinois  
23 corporation,

24 Plaintiff,

25 v.

26 CASTLE ROCK INDUSTRIES, INC. dba  
27 SEQUOIA CONSTRUCTION  
28 COMPANY, a California corporation;  
LEWIS C. NELSON & SONS, a California  
Corporation, and DOES 1 through 10,

Defendants.

CASE NO. 5-06-CV-05904-RS

STIPULATION AND ~~PROPOSED~~ ORDER  
TO CONTINUE DECEMBER 27, 2006  
INITIAL CASE MANAGEMENT  
CONFERENCE

**THE HON. RICHARD SEEBORG**

Pursuant to Northern District of California Civil Local Rules 6-2(a), 7-12, and 16-2(e), plaintiff RLI Insurance Company ("RLI") and defendant Lewis C. Nelson & Sons ("Nelson") submit this stipulation and proposed order respectfully requesting that the Court continue the initial case management conference ("CMC") currently set for December 27, 2006 for a period of at least 60 days.

#### RECITALS

WHEREAS RLI filed this action on September 25, 2006 (Docket 1), and filed a First Amended Complaint on October 18, 2006 (Docket 3).

WHEREAS RLI served the Summons and First Amended Complaint on Nelson on October 30, 2006, and filed a Proof of Service of Summons and Complaint with the Court on November 6, 2006 (Docket 4).

WHEREAS RLI has not yet served the Summons and First Amended Complaint on defendant Castle Rock Industries, Inc. dba Sequoia Construction Company ("Castle Rock") but expects to serve this defendant shortly.

WHEREAS the Court served its Order Setting Initial Case Management Conference and ADR Deadlines (Docket 2), which set the initial CMC for December 27, 2006 at 2:30 p.m. in Courtroom 4, 5th Floor, in San Jose, and which accordingly sets the following additional dates:

- (1) December 6, 2006 (i.e., 21 days before the initial CMC) as the last day for the parties to meet and confer regarding various issues (the initial disclosures, the potential for early settlement, the ADR process selection, and the discovery plan); file their ADR Certifications; and file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and
- (2) December 20, 2006 (i.e., seven days before the initial CMC) as the last day for the parties to complete their initial disclosures or state their objection in a FRCP 26(f) report, and prepare and file a Case Management Statement.

WHEREAS the Order Setting Initial Case Management Conference and ADR Deadlines provides, "If the Initial Case Management Conference is continued, the other deadlines are continued accordingly."

STIPULATION

IT IS HEREBY STIPULATED by and between RLI and Nelson that the initial CMC should be continued for at least 60 days from the current date of December 27, 2006 to allow:

- (1) RLI time to serve Castle Rock with the Summons and First Amended Complaint;
- (2) Castle Rock sufficient time to appear in this action and file a responsive pleading to the First Amended Complaint;
- (3) The parties sufficient time to meet and confer, file their ADR Certifications, and file either their Stipulation to ADR Process or Notice of Need for ADR Phone Conference, at least 21 days before the rescheduled initial CMC; and
- (4) The parties sufficient time to complete their initial disclosures or state their objection in a FRCP 26(f) report, and prepare and file their Case Management Statements, at least seven days before the rescheduled initial CMC.

DATED: December 8, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: 

LAURA L. GOODMAN

Attorneys for Plaintiff

RLI INSURANCE COMPANY

DATED: December \_\_, 2006

WILLOUGHBY, STUART & BENING, INC.

By: \_\_\_\_\_

ALEXANDER F. STUART

Attorneys for Defendant

LEWIS C. NELSON & SONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference will be held on February 28, 2007 at 2:30 p.m.

DATED: December 8, 2006

  
THE HONORABLE RICHARD SEEBOURG  
UNITED STATES MAGISTRATE JUDGE

STIPULATION

IT IS HEREBY STIPULATED by and between RLI and Nelson that the initial CMC should be continued for at least 60 days from the current date of December 27, 2006 to allow:

- (1) RLI time to serve Castle Rock with the Summons and First Amended Complaint;
- (2) Castle Rock sufficient time to appear in this action and file a responsive pleading to the First Amended Complaint;
- (3) The parties sufficient time to meet and confer, file their ADR Certifications, and file either their Stipulation to ADR Process or Notice of Need for ADR Phone Conference, at least 21 days before the rescheduled initial CMC; and
- (4) The parties sufficient time to complete their initial disclosures or state their objection in a FRCP 26(f) report, and prepare and file their Case Management Statements, at least seven days before the rescheduled initial CMC.

DATED: December 27, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: \_\_\_\_\_

LAURA L. GOODMAN  
Attorneys for Plaintiff  
RLI INSURANCE COMPANY

DATED: December 27, 2006

WILLOUGHBY, STUART & BENING, INC.

By: \_\_\_\_\_

ALEXANDER F. STUART  
Attorneys for Defendant  
LEWIS C. NELSON & SONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE